



State of New Jersey

Office of the Governor

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JAMES E. MCGREEVEY
Governor

On Tuesday, August 13, 2002, I was pleased to join with the New Jersey Press Association, and some of New Jersey's leading open press activists to announce our strong support for the state's Open Public Records Act. We all share an unwavering commitment to this critically important law.

Our new Open Public Records Act took effect last month. This law makes it clear – records made by local and state government officials are presumed to be available for inspection and copying by citizens. The law establishes narrow exemptions for victims' records, emergency and security information, criminal investigatory records and other appropriate areas that warrant confidentiality. The law will challenge government to be responsive, accountable and open, and that is as it should be. Our citizens deserve nothing less.

To make these goals a reality I have signed Executive Order No. 26. This Executive Order is the byproduct of a lengthy positive, productive, and collaborative process. In recent weeks, Attorney General David Samson and I worked closely with editors of some of New Jersey's leading newspapers, as well as the League of Women Voters, Common Cause, Sierra Club, the Foundation for Open Government, Citizen Action and the New Jersey Public Interest Research Group.

We worked together to review the original Executive Order, and to review proposals made by state agencies to exempt certain records from disclosure. My staff, cabinet members and the Press Association reviewed these proposed exemptions, and we dramatically reduced them. There were 583 exemptions originally proposed, and in the end we cut that down to 75 – 52 of

which were narrowed and 23 that were not changed. The full list of our action is available on the web, at www.nj.gov/opra, and citizens will be invited to comment on these changes.

This is how our process is designed to work. When government proposes regulations through the Administrative Procedures Act, those proposals are open to comment from the public. Where changes are appropriate, changes are made.

Throughout this process, we struck a balance between the need for open government and the need to ensure the security and safety of our citizens. The Executive Order modifies a previous order by clarifying language and ensuring full compliance with the Act.

My Executive Order also addresses serious security matters that are of concern to all of us. Information can be exempted from disclosure if it would “substantially interfere” with the state’s ability to protect our citizens, or would “materially increase” the risk of acts of terrorism. This is a high standard to meet, and the Attorney General is already engaged in developing detailed regulations to ensure security concerns are addressed. We will keep the Press Association and public interest groups engaged in this process as we move forward. We all share a common interest in protecting the security and safety of our citizens, and that common interest was reflected in the discussions of the past few weeks.

Another byproduct of these discussions is was a line by line review with these organizations of the regulations proposed by individuals departments. In July, departments had proposed 583 exemptions to the Open Public Records Act. The law specifically provides departments with the authority to make additional exemptions.

My commitment to open government will not waver. Here are some other programs my administration is working on:

- We have set up a groundbreaking project, the Government Records Council (www.nj.gov/grc), which is an independent agency that oversees compliance with OPRA. Citizens can call a toll-free number ((866) 850-0511) to ask questions, address problems with access to records on a local or state level, or receive free dispute resolution services.

- We have established a central web site to explain the law and assist citizens in making records requests. www.nj.gov/opra.
- Last week, Attorney General Samson issued a directive to local and county law enforcement to ensure public access to appropriate police information.
- We are establishing a Privacy Study Commission to examine privacy issues over the next 18 months.
- State agencies are working throughout government to greatly expand Internet access to key documents. For example, the Department of Environmental Protection has an innovative web site (www.state.nj.us/dep), which will soon be expanded to increase access to key documents with the click of a mouse.

Justice Marshall said that public records are essential “to ensure an informed citizenry” and are “vital to the functioning of a democratic society, need to check against corruption and to hold the governors accountable to the governed.” I encourage every New Jersey citizen to visit our web sites, learn more about how government is addressing real problems faced by our society, and comment on our rule proposals. Together, we will all make New Jersey State government more accessible and more accountable, and give government back to the people.

James E. McGreevey,
Governor